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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/525,042	08/29/2005	Harold Russell Motson	118989-05017145	5681
20583	7590	06/15/2009		
JONES DAY 222 EAST 41ST ST NEW YORK, NY 10017			EXAMINER ASDJODI, MOHAMMAD REZA	
			ART UNIT	PAPER NUMBER
			1796	
			MAIL DATE	DELIVERY MODE
			06/15/2009	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/525,042	<b>Applicant(s)</b> MOTSON ET AL.	
	<b>Examiner</b> MOHAMMAD R. ASDJODI	<b>Art Unit</b> 1796	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 28 April 2009.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☒ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |



## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 06/02/09 has been entered.

This Office action is in response to Applicant's amendment filed 06/02/09. Applicant has amended claims 1, 9, 11, 14, 20, and 21. Claim 26 is newly added. Currently, claims 1-26 remain pending in the application.

### ***Claim Rejections - 35 USC § 103***

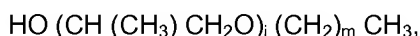
The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-10, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Romack et al. (US 6,258,766 B1), in view of Jureller et al. (US 5,676,705).

Regarding to claims 1-7, and 23, Romack et al. teach a method and composition for dry cleaning (1: 60-68, 2: 1-3) wherein the textile are contacted with a treatment medium based on liquid CO<sub>2</sub>; [3: 41-50], which includes alkoxylated alcohols and fatty acids (surfactants or conditioning medium) by the amount of 0.1-10%; [3: 41-50, 2: 60-63].

Romack et al. do not specifically point to the fatty alcohol branched polyalkyloxylate of formula (I), even though considering the list of similar compounds on column 4, their presence is implicitly abundant. However, Jureller et al. teach a very similar CO<sub>2</sub> based cleaning composition comprising the fatty alcohol branched polyalkyloxylate of instant claim; [9: formula II, claim 1], when considering the stated ranges of parameters A, A', d, L, L', e, f, n, g, o, z, G, and h as defined; [5: 4-26, 6; 1-3, 10: 22-29], the exemplified structure is



where  $m_{\text{claim}} = i_{\text{ref.}} = 1-50$ ; [10: 25-26, 11: 23], and  $R^1_{\text{claim}} = \text{C}_8\text{-C}_{22}$ ,  $R^2_{\text{claim}} = \text{H}$ .

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Jureller et al. and Romack et al. are analogous art because they are from the same field of endeavour, that of CO<sub>2</sub> based dry cleaning compositions and methods. At the time of invention, it would have been obvious to a person of ordinary skill in the art to use the same types of fatty alcohols of Schulte et al. (which are functional equivalent) in the process of Romack et al.

Regarding claim 8, Romack et al. teach, a method, that the textile is contacted with dry cleaning composition including detergent material; [5: 60-65].

Regarding claim 9, Romack et al. teach a multi-ester additive such as dimethyl succinate which is equivalent to that of formula (II) with molecular weight of less than 750; [3: 20-26].

Regarding claim 10, Romack et al. teach the basic method of cleaning a textile by contacting it with carbon dioxide based cleaning and conditioning agent. Additionally, with respect to this limitation of instant claim the *MPEP 2144.04, II* states that: "Omission of an Element and Its Function Is Obvious if the Function of the

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Element Is not Desired: *Ex parte Wu*, 10 USPQ 2031 (Bd. Pat. App. & Inter. 1989"). At the time of invention it would have been obvious to a person of ordinary skill in the art to include or exclude any one of cleaning and conditioning ingredients with the motivation of cleaning, or rinsing them without surfactants or conditioning components, as is further evidenced by Jureller et al.; [22: table 2, 24: table 4].

Claims 11-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Romack et al. (US 6,258,766 B1), in view of Jureller et al. (US 5,676,705).

Regarding claims 11, 13, and 15, Romack et al. teach a method and composition for dry cleaning (1: 60-68, 2: 1-3) wherein the textile are contacted with a treatment medium based on liquid CO<sub>2</sub>; [3: 41-50], which includes a multi-ester additive such as dimethyl succinate which is equivalent to that of formula (II) with molecular weight of not more than 750, and by the amount of 0.1-50%; [3: 20-26, 2: 63-65], alkoxyated alcohols and fatty acids (surfactants or conditioning medium) by the amount of 0.1-10%; [3: 41-50, 2: 60-63], and fragrance and bleaches; [5: 60-65].

Romack et al. do not specifically point to the fatty alcohol branched polyalkyloxylate of formula (I), even though from the list of similar compounds on column 4, their presence is implicitly abundant. However, Jureller et al. teach a very similar CO<sub>2</sub> based cleaning composition comprising the fatty alcohol branched polyalkyloxylate of instant claim; [9: formula II, claim 1], when considering the taught ranges of parameters A, A', d, L, L', e, f, n, g, o, z, G, and h as defined; [5: 4-26, 6: 1-3, 10: 22-29], the exemplified structure is HO (CH (CH<sub>3</sub>) CH<sub>2</sub>O)<sub>i</sub> (CH<sub>2</sub>)<sub>m</sub> CH<sub>3</sub>, where  $m_{\text{claim}} = i_{\text{ref.}} = 1-50$ ; [10: 25-26, 11: 23], and  $R^1_{\text{claim}} = \text{C}_8\text{-C}_{22}$ ,  $R^2_{\text{claim}} = \text{H}$ . Jureller et al. and Romack et al. are analogous art because they are from the same field of

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endeavour, that of CO<sub>2</sub> based dry cleaning compositions and methods. At the time of invention, it would have been obvious to a person of ordinary skill in the art to use the same types of fatty alcohols of Schulte et al. (which are functional equivalent) in the process of Romack et al.

Regarding claim 12, Romack et al. teach the basic method of cleaning a textile by contacting it with carbon dioxide based cleaning and conditioning agent. Additionally, with respect to this limitation of instant claim the *MPEP 2144.04, II* states that: "Omission of an Element and Its Function Is Obvious if the Function of the Element Is not Desired: *Ex parte Wu*, 10 USPQ 2031 (*Bd. Pat. App. & Inter.* 1989)". At the time of invention it would have been obvious to a person of ordinary skill in the art to include or exclude any one of cleaning and conditioning ingredients with the motivation of cleaning, or rinsing them without surfactants of conditioning components, as is further evidenced by Jureller et al.; [22: table 2, 24: table 4].

Regarding claim 14, Romack et al. teach a multi-ester additive such as dimethyl succinate which is equivalent to that of formula (II) with molecular weight of less than 750; [3: 20-26].

Claims 16-19, and 24, are rejected under 35 U.S.C. 103(a) as being unpatentable over Romack et al. (US 6,258,766 B1), in view of Jureller et al. (US 5,676,705).

Regarding claims 16, 18, 19, and 24, Romack et al. teach a method and composition for dry cleaning (1: 60-68, 2: 1-3) wherein the textile are contacted with a

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treatment medium based on liquid CO<sub>2</sub>; [3: 41-50], which includes alkoxylated alcohols and fatty acids (surfactants or conditioning medium) by the amount of 0.1-10%; [3: 41-50, 2: 60-63].

Romack et al. do not specifically point to the fatty alcohol branched polyalkyloxyate of formula (I), even though from the list of similar compounds on column 4, their presence is quite probable. However, Jureller et al. teach a very similar CO<sub>2</sub> based cleaning composition comprising the fatty alcohol branched polyalkyloxyate of instant claim; [9: formula II, claim 1], when considering the taught ranges of parameters A, A', d, L, L', e, f, n, g, o, z, G, and h as defined; [5: 4-26, 6: 1-3, 10: 22-29], the exemplified structure is HO (CH (CH<sub>3</sub>) CH<sub>2</sub>O)<sub>i</sub> (CH<sub>2</sub>)<sub>m</sub> CH<sub>3</sub>, where  $m_{\text{claim}} = i_{\text{ref.}} = 1-50$ ; [10: 25-26, 11: 23], and  $R^1_{\text{claim}} = \text{C}_8\text{-C}_{22}$ ,  $R^2_{\text{claim}} = \text{H}$ . Jureller et al. and Romack et al. are analogous art because they are from the same field of endeavour, that of CO<sub>2</sub> based dry cleaning compositions and methods. At the time of invention, it would have been obvious to a person of ordinary skill in the art to use the same types of fatty alcohols of Schulte et al. (which are functional equivalent) in the process of Romack et al.

Regarding claim 17, Romack et al. teach the basic method of cleaning a textile by contacting it with carbon dioxide based cleaning and conditioning agent.

Additionally, with respect to this limitation of instant claim the *MPEP 2144.04, II* states that: "Omission of an Element and Its Function Is Obvious if the Function of the Element Is not Desired: *Ex parte Wu*, 10 USPQ 2031 (*Bd. Pat. App. & Inter.* 1989)". At the time of invention it would have been obvious to a person of ordinary skill in the art to include or exclude any one of cleaning and conditioning ingredients with the motivation



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of cleaning, or rinsing them without surfactants or conditioning components, as is further evidenced by Jureller et al.; [22: table 2, 24: table 4].

Claims 20-22, and 25-26, are rejected under 35 U.S.C. 103(a) as being unpatentable over Romack et al. (US 6,258,766 B1), in view of Jureller et al. (US 5,676,705).

Regarding claims 20, 22, and 25, Romack et al. teach a method and composition for dry cleaning (1: 60-68, 2: 1-3) wherein the textile are contacted with a treatment medium based on liquid CO<sub>2</sub>; [3: 41-50], which includes alkoxyated alcohols and fatty acids (surfactants or conditioning medium) by the amount of 0.1-10%; [3: 41-50, 2: 60-63].

Romack et al. do not specifically point to the fatty alcohol branched polyalkyloxyate of formula (I), even though considering the list of similar compounds on column 4, their presence is quite probable. However, Jureller et al. teach a very similar CO<sub>2</sub> based cleaning composition comprising the fatty alcohol branched polyalkyloxyate of instant claim; [9: formula II, claim 1], when considering the taught ranges of parameters A, A', d, L, L', e, f, n, g, o, z, G, and h as defined; [5: 4-26, 6: 1-3, 10: 22-29], the exemplified structure is  $\text{HO}(\text{CH}(\text{CH}_3)\text{CH}_2\text{O})_i(\text{CH}_2)_m\text{CH}_3$ , where  $m_{\text{claim}} = i_{\text{ref.}} = 1-50$ ; [10: 25-26, 11: 23], and  $R^1_{\text{claim}} = \text{C}_8\text{-C}_{22}$ ,  $R^2_{\text{claim}} = \text{H}$ .

Jureller et al. and Romack et al. are analogous art because they are from the same field of endeavour, that of CO<sub>2</sub> based dry cleaning compositions and methods. At the time of invention, it would have been obvious to a person of ordinary skill in the art to use the same types of fatty alcohols of Schulte et al. (which are functional equivalent) in the Process.

Regarding claim 26, Romack et al. teach a multi-ester additive such as dimethyl succinate which is equivalent to that of formula (II) with molecular weight of less than 750; [3: 20-26].

***Response to Arguments***

Applicant's arguments filed 04/28/09, with respect to the rejection(s) of claim(s) 1-25 under 102(b) & 103(a) have been fully considered and are persuasive, partially. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Romack and Jureller in the the action above.

A- Applicant's argument regarding the differences between fatty alcohol branched polyalkyloxylate, and branched fatty alcohol alkyoxylate are considered and acknowledged, and therefore the new ground of rejection is provided in the action above.

B- Applicant's argument with regard to the cleaning steps, wherein combination of different ingredients are used at different times, or sequences, are not persuasive, in view of almost identical dry cleaning methods of Romack and Jureller which include all ingredients and different methods of treating fabric with variety of dry cleaning and conditioning ingredients, as is explained in the action above.

C- Applicant's argument regarding the concentration of conditioning agent, as is presented on 3<sup>rd</sup> paragraph of page 9, is not correct, and also moot in view of new ground of rejection.

This action is non-final.

### ***Correspondence***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dr. M. Reza Asdjodi whose telephone number is (571)270-3295. The examiner can normally be reached on Monday-Friday 8:00-5:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dr. Mark Eashoo can be reached on 571-272-1197. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. R. A./  
Examiner, Art Unit 1796  
06/08/09

**/Katarzyna Wyrozebski/**

**Primary Examiner, Art Unit 1796**